

**Remarks**

Applicant respectfully requests reconsideration under MPEP § 706.07(d) of the finality of Office Action the in view of the following remarks.

***Claim Status***

Claims **1-55** are pending in the application, but are subject to a species election requirement.

**Claims 12-22 and 47** stand finally rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. **US 2004/0204797** to Vickers.

**Claims 21 and 22** stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Vickers in view of U.S. Patent No. **6,307,277** to Tamai et al.

**Claim 23** stands finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Vickers in view of U.S. Patent Application Publication No. **US 2003/0230440** to Kamen et al., and further in view of Tamai et al.

The remaining claims – all dependent upon claim **12** – stand withdrawn from consideration as being drawn to non-elected species of the invention.

***Request for Reconsideration of the Finality of the Office Action***

The rejections of claims **21-23** are based upon new grounds of rejection, which the Examiner asserts were necessitated by Applicant's amendment of these claims. Applicant respectfully disagrees, and respectfully requests reconsideration and withdrawal of the finality of the Office Action.

***Premature Finality of Rejection of Claims 21 and 22***

Claims **21** and **21** were previously rejected solely under 35 U.S.C. § 102(e) as being anticipated by Vickers, and presently stand finally rejected also under 35 U.S.C. § 103(a) as being unpatentable over Vickers in view of Tamai et al. Although claims **21** and **22** are included in the list of claims presently rejected under 35 U.S.C. § 102(e) as being anticipated by Vickers, the Examiner does not provide any reason for this rejection in the present Office Action. Accordingly, it would appear that the Examiner has unintentionally included claims **21** and **22** in the list of claims presently rejected under 35 U.S.C. § 102(e).

Claims **21** and **22** were previously amended to depend upon claim **12** instead of claims **18** and **19**, respectively. In view of the rejections of claims **12**, **18/12** and **19/18/12**, this change in dependency could not possibly have been a reason for a new ground of rejection. Claims **21** and **22** were also amended to improve clarity by explicitly adding the limitation of --further comprising causing a fuel flow to said power generator and generating power with said power generator responsive thereto,-- which was at least already implicit in these claims, because a fuel flow to the power generator cannot be decreased or shut off without having already first caused a fuel flow to power generator. Accordingly, the amendment of claims **21** and **22** simply clarified that which was already implied. Furthermore, because Vickers discloses the subject matter of the added limitation, i.e. “causing a fuel flow to said power generator and generating power with said power generator responsive thereto” (*cf.* paragraph [0014]), Applicant’s amendment could not have necessitated the new ground of rejection. Accordingly, Applicant respectfully submits that the finality of the rejection of claims **21** and **22** on new grounds is premature. Applicant respectfully requests reconsideration and withdrawal of the finality of the rejection of claims **21** and **22**.

***Premature Finality of Rejection of Claim 23***

Claim **23** was previously rejected under 35 U.S.C. 103(a) as being unpatentable over Vickers in view of Tamai et al., and presently stands finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Vickers in view of U.S. Patent Application Publication No. **US 2003/0230440** to Kamen et al., and further in view of Tamai et al.

In response to the previous Office Action, claim **23** was rewritten in independent form, with the addition of step c as follows to improve clarity: --c. causing a fuel flow to said power generator and generating power with said power generator responsive thereto;--; which was at least already implicit in this claim, because a fuel flow to the power generator cannot be shut off without having already first caused a fuel flow to power generator. Accordingly, the amendment of claim **23** simply clarified that which was already implied. Furthermore, because both Vickers and Tamai et al. disclose the subject matter of the added limitation, i.e. "causing a fuel flow to said power generator and generating power with said power generator responsive thereto" (*cf.* Vickers, paragraph [0014]; and Tamai et al, col. 10, lines 50-67), Applicant's amendment could not have necessitated the new ground of rejection. Accordingly, Applicant respectfully submits that the finality of the rejection of claim **23** on new grounds is premature. Applicant respectfully requests reconsideration and withdrawal of the finality of the rejection of claim **23**.

#### **Summary and Conclusions**

For the above-stated reasons, Applicant respectfully submits that the new grounds of rejection for claims **21-23** could not have been necessitated by Applicant's previous amendment of these claims, so that the finality of these rejections is premature. Because the finality of the rejections of claims **21-23** is premature, Applicant respectfully submits that the finality of the Office Action is premature. Accordingly, Applicant respectfully submits reconsideration and withdrawal of the finality of the Office Action.

Applicant invites the Examiner to contact the undersigned at **248-364-2100** to discuss this or any other issues further any time except during the period of 22 May 2008 – 11 June 2008.

Respectfully Submitted,

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